

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-1572

Roger D. Mosby,

Appellant,

v.

T. Williams, CO-I, Maximum Security
Unit; Randall Morgan, Warden,
Maximum Security Unit; G. David
Guntharp, Deputy Director, Arkansas
Department of Correction,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Arkansas

[UNPUBLISHED]

Submitted: June 5, 1998

Filed: June 25, 1998

Before McMILLIAN, LOKEN and MURPHY, Circuit Judges.

PER CURIAM.

Inmate Roger D. Mosby appeals from the final judgment entered in the District Court¹ for the Eastern District of Arkansas, dismissing his 42 U.S.C. § 1983 action with

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas adopting the report and recommendations of the Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas.

prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim. After careful review of the record and Mosby's brief, we conclude the district court's judgment was correct. See Williams v. Delo, 49 F.3d 442, 445 (8th Cir. 1995) (prisoner's conditions of confinement violate Eighth Amendment only where alleged deprivation results in denial of "minimal civilized measure of life's necessities"); cf. Divers v. Department of Corrections, 921 F.2d 191, 193 (8th Cir. 1990) (per curiam) (to succeed on equal protection claim not involving constitutional right, inmate must show treatment received is "invidiously dissimilar to that received by other inmates") (quoted case omitted).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.